

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application are respectfully requested and such action is earnestly solicited.

As correctly stated in the Official Action, claims 1-24 are pending in the present application. Claims 1-14 stand withdrawn from consideration. Claims 15-24 stand rejected.

By the present amendment, the claims have been amended to correct the spelling of
• “fiber.” No new matter has been added.

Rejections Under 35 U.S.C. § 102

Claims 18-24 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Trokhan et al. (U.S. Patent No. 5,893,965). This rejection is respectfully traversed.

In Trokhan et al., a papermaking belt 20 is used for patterning the fibrous web. The base web, which has been formed on a forming fabric 16, has a uniform basis weight before it is transferred to the papermaking belt 20 and is pressed (drawn) into the belt. With the convolutions created by the belt 20, there necessarily must be great variation in the local basis weight and porosity. The local basis weight will by necessity be changed when the material is drawn/pressed into the forming belt. If one looks at a certain area of the web, it will be flat before being drawn/pressed, but a plurality of convolutions will be created after being drawn/pressed. Thus, a line following the web will be much longer in the web's convoluted state. The fibers will be more spread out and a fiber movement takes place, to result in “top,” “side,” and “base” areas (*see, e.g.*, Figure 4), and the differing lengths of movement have resulted in the fibrous web being more spread apart as they reach the bottom areas. Thus, a certain difference in basis weight and porosity will inevitably result.

In contrast, in the presently claimed invention, the fiber web of claims 18-24 is made by laying down the fibers directly on the patterned fabric, to create its deformation from the

start. No extra stretching takes place, just dewatering through the fabric, resulting in a uniform basis weight and porosity.

Thus, Trokhan et al. cannot anticipate claim 18, which requires a uniform basis weight and porosity in the deformation zone as well as in the areas outside the deformation zones. This could not possibly be obtained by the method and apparatus disclosed by Trokhan et al. Claims 19-24 depend from claim 18, and thus are also not anticipated by Trokhan et al.

Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Trokhan et al. in view of van Phan (U.S. Patent No. 5,217,576). This rejection is respectfully traversed.

In order to render a claim obvious under 35 U.S.C. § 103, the reference or combination of references must disclose or suggest each and every element of the presently claimed invention. The Examiner admits that Trokhan et al. fail to disclose a fabric comprising a polymer having a softening temperature, as required by independent claim 15. The Examiner apparently relies on van Phan for this teaching. However, Applicants respectfully submit that the passage of van Phan referenced by the Examiner (col. 4, ll. 54-57) does not refer to polymers having a softening temperature. This passage refers to the addition of a wet strength resin to a tissue paper web. The wet strength agent is acting as a crosslinking agent for cellulose. Accordingly, the Examiner's argument with respect to the disclosure of van Phan is irrelevant because this reference does not deal with a patterning fabric, nor with a patterning fabric having a softening temperature.

Accordingly, Applicants respectfully submit that neither Trokhan et al. nor van Phan, either alone or in combination, disclose or suggest the presently claimed invention. One skilled in the art would not arrive at the presently claimed invention upon combining these two disclosures. Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable consideration of the subject application in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.


If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:


Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620